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MAIL STOP RCE PATENT 4301-1005-1

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Werner Josef FRANTSITS

Serial No. 10/085,000

Filed March 1, 2000

Conf. No. 3705

Group 1614

Examiner Brian Kwon

AQUEOUS FORMULATION OF BETA CAROTENE

REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114

Assistant Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

May 7, 2004

Sir:

This is a "Request for Continued Examination" under 37 C.F.R. § 1.114, the provisions of which do not apply to:

- (1) A provisional application; (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) An international application filed under 35 U.S.C. §363 before June 8, 1995; (4) An application for a design patent; or (5) A patent under reexamination.
- \boxtimes This Request for Continued Examination is being filed prior to the earliest of:
 - (1) Payment of the issue fee, unless a petition under §1.313 is granted; (2) Abandonment of the application; or (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of civil action under 35 U.S.C. §§ 145 or 146, unless the appeal or civil action is terminated.
- enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- The enclosed document is being transmitted via facsimile.

Submission Required under 37 C.F.R. § 1.114:

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Enter as part of the present submission:

, under 37 C.F.R. § 1.116 but unentered, in t	the
present application.	
Arguments in the Appeal Brief or Reply Bri previously filed on .	ief

A Reply Under Rule 1.111, attached hereto. Claim fee(s) are calculated as set forth below:

	TOTAL NUMBER OF CLAIMS PREVIOUSLY FILED	TOTAL NUMBER OF CLAIMS BEING FILED HEREWITH	NUMBER EXTRA	RATE	FEE
Total Claims	13	17	0	x\$18 =	\$0.00
Independent Claims	1	2	0	x\$86 =	\$0.00
			TOTAL CLAI	M FEE(S)	\$0.00

An Information Disclosure Statement (IDS) and PTO-1449 form(s) is/are attached hereto for the Examiner's consideration.

Other: Amendment

The required fee under 37 C.F.R. § 1.17(e) as required by 37 C.F.R. § 1.114 when the RCE is filed, is enclosed herewith:

☐ \$770.00 - large entity

The applicant hereby petition for an extension of three (3) months pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:

NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$0.00 is required for the full period of the above-requested extension of time.

- A Notice of Appeal was filed October 7, 2003 and an extension of two (2) months was previously requested and paid for on February 9, 2004 in the instant application. Thus, a fee of \$795 is required to obtain an additional three (3) months extension of time to extend the due date for response to May 7, 2004.
- Enclosed is a check in the amount of \$1,180 for the applicable filing fee, additional claims fee, and/or extension fees.
- Please charge Deposit Account No. 25-0120 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

YOUNG & THOMPSON

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PD/mjr

Attachments: Amendment